IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

CRIMINAL APPLICATION NO.3912 OF 2006

Sanjay Sadashiv Kole .. ..Applicant

Versus

The State of Maharashtra ..Respondent

Mr. Amol Patankar for applicant

Mr. P.A. Pol, APP for State

CORAM : S.C.DHARMADHIKARI,J.

DATE : 20TH NOVEMBER, 2006

P.C.:

1. The applicant is arrested in connection with C.R.No.162 of 2005 registered at Rajarampuri Police Station, Kolhapur. The offences alleged are punishable under Sections 302, 147, 148, 149, 427, 504 and 506 of Indian Penal Code. The applicant is arrested on 7.12.2005.

2. Co-accused Shashikant Devekar was enlarged on bail by this Court in Cri. Application No.2662 of 2006 vide

order dated 18.8.2006.

3. The learned Advocate appearing for the applicant submits that on the ground of parity so also for reasons assigned in this Court’s order the present applicant deserves to be enlarged on bail. My attention is also invited to para 9 of the order passed by this Court.

4. The aforesaid aspect is not seriously disputed by the learned APP. The role assigned to the co-accused who assaulted the deceased allegedly with a stone and that of the applicant who did the same by iron stick/rod is prima facie identical. In such circumstances, for the reasons assigned in this Court’s order the present applicant also deserves to be enlarged on bail. Hence, the following order:

O R D E R :

(i) The applicant shall be enlarged on bail in connection with C.R.No.162 of 2006 registered at Rajarampuri Police Station subject to furnishing a personal bond of Rs.25,000/= (Rs. Twenty Five Thousand only) with two local sureties in the like

sum;

(ii) The applicant shall not enter the village limits of Kotwali, Tal. Panhala, Dist. Kolhapur and limits of Rajarampuri Police Station until conclusion of trial;

(iii) The bail is granted subject to condition that the applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.

(iv) The applicant shall cooperate with the Trial Court for expeditious disposal of the trial. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

(v) Any observation/s made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

(vi) Application is disposed of in above terms.

(S.C.Dharmadhikari, J.)